

A 88.6/3:93/supp.2 ✓  
UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
WASHINGTON, D. C.

SUPPLEMENT II TO SRA-AMS-93 (Revised January 4, 1957)

Sections 51.37 and 51.45(d) of Service and Regulatory Announcements No. 98 (Revised Jan. 4, 1957) REGULATIONS GOVERNING THE INSPECTION AND CERTIFICATION OF FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS<sup>1</sup> (7 CFR 51.1 through 51.67) was amended effective July 1, 1958 by deleting the same and inserting in lieu thereof the following:

§51.37 *Basis for charges.* (a) The fee for each lot of products inspected by a salaried inspector acting exclusively for the Department, except for peanuts, pecans, and other nuts, shall be on the following basis: (1) For an inspection covering quality and condition, \$12.00 when the quantity involved is more than one-half of a carload of the customary size for such products in the area from which shipped but not more than a full carload, and \$8.00 when the quantity involved is not more than one-half of such carload but the maximum fee for any carload not exceeding the customary size which contains more than one kind of a product shall be \$24.00; (2) For an inspection covering condition-only, \$10.00 when the quantity involved is more than one-half of a carload of the customary size for such products in the area from which shipped but not more than a full carload, and \$7.00 when the quantity involved is not more than one-half of such carload, but the maximum fee for condition-only inspection of any carload not exceeding the customary size which contains more than one kind of a product shall be \$20.00; (3) When any lot involved is in excess of a carload the quantity shall be calculated in terms of carloads and fractions thereof of the customary size for such carloads and carload rates aforesaid applied: *Provided*, That such fractions shall be calculated in terms of fourths or next higher fourths.

(b) *Base fee for peanuts, pecans, or other nuts.* The base fee for peanuts (shelled), pecans, or other nuts shall be \$15.00 for each lot of the customary carload size for such products in the area from which shipped: *Provided*,

That the fee shall be adjusted on an approximately proportional basis to determine the fee for any size lot which is smaller or larger than a carload of the customary size based either on number of pounds or number of containers: *And provided further*, That the minimum fee shall be \$10.00 per lot, the different grades and varieties of peanuts shall be considered separate lots, and the fee for Farmers' stock peanuts (unshelled) shall be \$1.50 per ton.

(c) When inspections are made on which formal certificates are not issued, as provided in §51.19, or when the products inspected cannot readily be calculated in terms of carlots or when samples are drawn, or when the services rendered are such that a charge on the carlot basis would be inadequate or inequitable, charges for inspection may be based on the time consumed by the inspector in connection with such inspections, computed at the rate of \$4.50 per hour, or the charges may be based on the number of pounds or number of containers in the lot inspected, if such charges are in substantial conformity with the hourly or carload rate.

(d) Whenever inspections are performed at the request of the applicant on Saturdays, Sundays, holidays or at any other periods which are outside the inspector's regular scheduled workweek, the charge for inspection shall be \$2.25 per hour or portion thereof per inspector in addition to the regular commercial lot or hourly fees specified in this subpart.

§51.45 *Schedule of fees.* \* \* \*

(d) *Base fee for peanuts, pecans, or other nuts.* The base fee for peanuts (shelled), pecans, or other nuts shall be \$15.00 for each lot of the customary carload size for such products in the area from which shipped: *Provided*, That the fee shall be adjusted on an approximately proportional basis to

<sup>1</sup> Among such other products are the following: Raw nuts, Christmas trees and greens; flowers and flower buds; and onion sets.

determine the fee for any size lot which is smaller or larger than a carload of the customary size based either on number of pounds or number of containers: *And provided further*, That the minimum fee shall be \$10.00 per lot, the different grades and varieties of peanuts shall be considered separate lots, and the fee for farmers' stock peanuts (unshelled) shall be \$1.50 per ton.

Notice of proposed rule making, procedure thereon, and postponement of the effective time of this document later than July 1, 1958 (see Section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) are impracticable, unnecessary, and contrary to the public interest for the reasons that: (1) Legislation provides that the fees charged shall be reasonable and shall as nearly as possible cover the cost of the service rendered; (2) the cost of such service is peculiarly within the knowledge of the Department and

the fees set forth herein are necessary to more nearly cover such cost including, but not limited to increased salaries to Federal employees required by recent legislation (Public Law 462, 85th Congress, 2d Session, approved June 20, 1958); (3) it is imperative that the increase in fees become effective with the commencement of the new fiscal year; and (4) additional time is not required in order for the industry to make preparation for compliance with this amendment.

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Dated: June 24, 1958, to become effective July 1, 1958.

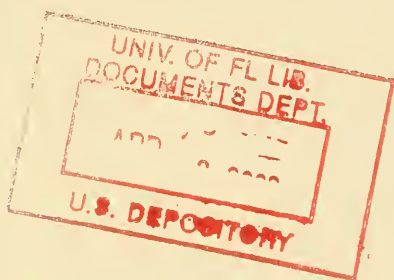
[SEAL] ROY W. LENNARTSON,  
*Deputy Administrator,  
Marketing Services.*

[F. R. Doc. 58-4971; File, June 27, 1958;  
8:54 a. m.]

UNIVERSITY OF FLORIDA



3 1262 08729 0069



Issued August 1958